

THE NATIONAL ARCHIVES  
OF THE UNITED STATES

# FEDERAL REGISTER

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*Washington, Thursday, September 23, 1937*

## PRESIDENT OF THE UNITED STATES.

### COLUMBUS DAY

By the President of the United States of America

#### A PROCLAMATION

WHEREAS Public Resolution 21, Seventy-third Congress, approved April 30, 1934, provides:

"That the President of the United States is authorized and requested to issue a proclamation designating October 12 of each year as Columbus Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of the public sentiment befitting the anniversary of the discovery of America.";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid public resolution, do by this proclamation designate October 12, 1937, as Columbus Day and do direct that on that day the flag of the United States be displayed on all Government buildings; and, further, I do invite the people of the United States to observe the day with appropriate ceremonies in schools and churches, or other suitable places.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

By the President:

CORDELL HULL

*Secretary of State.*

[No. 2253]

[F. R. Doc. 37-2810; Filed, September 21, 1937; 2:58 p. m.]

### GENERAL PULASKI MEMORIAL DAY

By the President of the United States of America

#### A PROCLAMATION

WHEREAS General Casimir Pulaski crossed the seas to offer his services to General Washington and to the young Republic in its hour of need; and

WHEREAS General Pulaski organized the cavalry unit known as the Pulaski Legion, which he commanded with distinction until the day when he fell mortally wounded while leading a charge at Savannah; and

WHEREAS he died from the wounds thus received on October 11, 1779; and

WHEREAS Public Resolution 24, Seventy-fifth Congress, approved on April 13, 1937, provides:

"That the President of the United States is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1937, and inviting the people of the United States to observe the day in schools and churches or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do direct that the flag shall be displayed upon all Government buildings on October 11, 1937, as a mark of respect to the memory of General Casimir Pulaski, and do hereby invite the people of the United States to observe that day as General Pulaski Memorial Day and to participate with appropriate ceremonies in schools and churches or other suitable places in the solemn commemoration of General Pulaski's death on October 11, one hundred and fifty-eight years ago.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

By the President:

CORDELL HULL

*Secretary of State.*

[No. 2254]

[F. R. Doc. 37-2811; Filed, September 21, 1937; 2:58 p. m.]

### EXECUTIVE ORDER

#### INSPECTION OF INCOME, PROFITS, AND CAPITAL STOCK TAX RETURNS BY THE COMMITTEE ON INTERSTATE COMMERCE, UNITED STATES SENATE

By virtue of the authority vested in me by section 257 (a) of the Revenue Act of 1926 (44 Stat. 9, 51), section 55 of the Revenue Act of 1934 (48 Stat. 680, 698), sections 105 (e) and 106 (c) of the Revenue Act of 1935 (49 Stat. 1014, 1018, 1019), and section 55 of the Revenue Act of 1936 (49 Stat. 1648, 1671), it is hereby ordered that income, profits, and capital stock tax returns made under the Revenue Act of 1935, as amended by the Revenue Act of 1936, and the Revenue Act of 1936 shall be open to inspection by the Committee on Interstate Commerce, United States Senate, or any duly authorized subcommittee thereof, for the purpose of, and to the extent necessary in, the investigation of interstate railroads and affiliates with respect to financing, re-





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organizations, mergers, and certain other matters, which such Committee or subcommittee is authorized and directed to make by Senate Resolution 71 agreed to May 20, 1935 (74th Cong., 1st Sess.); such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury Decision relating to the inspection of returns by that Committee, approved by me this date.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
August 31, 1937.

[No. 7700-A]

[T. D. 4762]

REGULATIONS GOVERNING THE INSPECTION OF INCOME, PROFITS AND CAPITAL STOCK TAX RETURNS MADE UNDER THE REVENUE ACT OF 1935, AS AMENDED, AND THE REVENUE ACT OF 1936, BY THE COMMITTEE ON INTERSTATE COMMERCE, UNITED STATES SENATE

AUGUST 20, 1937.

To Collectors of Internal Revenue and Others Concerned:

Pursuant to the provisions of section 257 (a) of the Revenue Act of 1926; section 55 of the Revenue Act of 1934; sections 105 (e) and 106 (c) of the Revenue Act of 1935; and section 55 of the Revenue Act of 1936, income tax returns made under the Revenue Act of 1936 and capital stock and excess-profits tax returns made under the Revenue Act of 1935, as amended, may be inspected by the Committee on Interstate Commerce, United States Senate, or any duly authorized subcommittee thereof, for the purpose of, and to the extent necessary in the investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, which the committee or an authorized subcommittee thereof is authorized and directed to make by Senate Resolution 71 (Seventy-fourth Congress, first session), passed May 20, 1935. The inspection of returns herein authorized may be by the committee or a duly authorized subcommittee thereof, acting directly as a committee or a subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint. Upon written notice by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee thereof, which is relevant or pertinent to the purpose of the investigation, may be submitted by the committee or the subcommittee to the Senate.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

Approved, August 31, 1937.

FRANKLIN D ROOSEVELT,

The White House.

[F. R. Doc. 37-2812; Filed, September 21, 1937; 3:28 p. m.]

## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49159]

AIRPORT OF ENTRY

CHALKS FLYING SERVICE AIRPORT, MIAMI, FLORIDA, DESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

To Collectors of Customs and Others Concerned:

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the Chalks Flying Service Airport, Miami, Florida, is hereby designated as an airport of entry for the landing of aircraft from foreign countries for a period of one year from the date of approval of this order.

[SEAL]

JAMES H. MOYLE,  
Commissioner of Customs.

Approved: September 17, 1937.

JOSEPHINE ROCHE,

Acting Secretary of the Treasury.

[F. R. Doc. 37-2813; Filed, September 21, 1937; 4:16 p. m.]



[T. D. 49160]

## REGULATIONS PROMULGATED PURSUANT TO SECTION 403 OF THE SUGAR ACT OF 1937

*To Collectors of Customs:*

Pursuant to the authority contained in section 403 (a) of the Sugar Act of 1937 (Public No. 414—75th Congress, approved September 1, 1937), the following regulations are hereby promulgated for your information and guidance:

(a) Sections 403 and 406, title IV, and section 513, title V, of the Sugar Act of 1937, provide as follows:

## IMPORT COMPENSATING TAX

SEC. 403. (a) In addition to any other tax or duty imposed by law, there shall be imposed, under such regulations as the Commissioner of Customs shall prescribe, with the approval of the Secretary of the Treasury, a tax upon articles imported or brought into the United States as follows:

(1) On all manufactured sugar testing by the polariscope ninety-two sugar degrees, 0.465 cent per pound, and for each additional sugar degree shown by the polariscopic test, 0.00875 cent per pound additional, and fractions of a degree in proportion;

(2) On all manufactured sugar testing by the polariscope less than ninety-two sugar degrees 0.5144 cent per pound of the total sugars therein;

(3) On all articles composed in chief value of manufactured sugar 0.5144 cent per pound of the total sugars therein.

(b) Such tax shall be levied, assessed, collected, and paid in the same manner as a duty imposed by the Tariff Act of 1930, and shall be treated for the purposes of all provisions of law relating to the customs revenue as a duty imposed by such Act, except that for the purposes of sections 336 and 350 of such Act (the so-called flexible-tariff and trade-agreements provisions) such tax shall not be considered a duty or import restriction, and except that no preference with respect to such tax shall be accorded any articles imported or brought into the United States.

## EFFECTIVE DATE

SEC. 406. The provisions of this title shall become effective on the date of enactment of this Act.

SEC. 513. No tax shall be imposed on the \* \* \* importation of sugar after June 30, 1941 \* \* \*.

(b) *Effective date.*—The import compensating taxes prescribed by section 403 are applicable to manufactured sugar and articles composed in chief value of manufactured sugar entered for consumption or withdrawn from warehouse for consumption after the opening of business on September 1, 1937. Collectors of customs should proceed with the liquidation of entries covering such merchandise in the usual course. The Bureau's telegram of September 3, 1937, insofar as it related to the suspension of liquidation of duties accruing in connection with entries or withdrawals made on September 1, 1937, is modified accordingly.

(c) *Definitions.*—The terms "manufactured sugar", "total sugars", and the "United States", as used in these regulations, are defined in section 401, title IV of the Sugar Act of 1937, as follows:

Sec. 401. For the purposes of this title—

(b) The term "manufactured sugar" means any sugar derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar mush, raw sugar, sirups, molasses, and sugar mixtures.

(c) The term "total sugars" means the total amount of the sucrose (Clerget) and of the reducing or invert sugars. The total sugars contained in any grade or type of manufactured sugar shall be ascertained in the manner prescribed in paragraphs 758, 759, 762, and 763 of the United States Customs Regulations (1931 edition).

(d) The term "United States" shall be deemed to include the States, the Territories of Hawaii and Alaska, the District of Columbia, and Puerto Rico.

The terms "testing by the polariscope \* \* \* sugar degrees" and "sugar degree shown by the polariscopic test", as used in section 403 (a) (1) and (2), supra, mean the percentage of sucrose contained in manufactured sugar shown by direct polarimetric estimation.

(d) *Accounting.*—The taxes imposed by section 403 shall be levied, assessed, collected and paid in accordance with the Customs Regulations of 1937,<sup>1</sup> as heretofore or hereafter amended, insofar as they are applicable, and shall be scheduled, deposited, reported, and accounted for as and with other collections of duties on imports, in the same manner as duties imposed by the Tariff Act of 1930 (U. S. C., title 19, sec. 1001).

(e) *Application of tax.*—The taxes imposed by section 403 are applicable to manufactured sugar and articles composed in chief value of manufactured sugar imported into the United States, as defined in section 401 (d), from all foreign countries, including Cuba, or coming into the United States from its territories and possessions other than those named in section 401 (d), supra.

(f) *Exemptions.*—Sugar of the grades or types which are included within the term "manufactured sugar", as hereinbefore defined, but which is to be further refined or otherwise improved in quality, may be released without deposit of the import compensating taxes upon compliance with the following conditions:

1. There shall be filed in connection with the entry an affidavit of the importer that such sugar is to be further refined or otherwise improved in quality.

2. If the sugar is entered for consumption there shall also be filed in connection with the entry a bond on customs Form 7551 or 7553 with an added condition, concurred in by the surety, for the payment of the tax prescribed by section 403 in the event the sugar is not further refined or otherwise improved in quality. If the importer has on file a general term bond for the entry of merchandise, as provided for in article 1253 of the Customs Regulations of 1937,<sup>2</sup> the sugar may be charged against such bond provided there is added thereto, with the concurrence of the surety, the before-mentioned condition. When the sugar is entered for warehouse the regular warehouse entry bond, customs Form 7555, shall be given, unless the importation is charged against a general term bond for the entry of merchandise, and withdrawals shall be made on customs Form 7506. Liquidation of the consumption entries and warehouse entries shall be suspended pending the submission of proof that the sugar has been further refined or otherwise improved in quality.

3. Within three years from the date of entry (in the case of warehouse entries as well as consumption entries) the importer shall submit to the collector of customs at the port of entry an affidavit of the superintendent or manager of the refinery or plant at which the sugar has been processed, showing: (a) The name and location of the refinery or plant. (b) The entry number, date, and port of entry. (If the refinery or plant is not in possession of this information a reference to invoices, purchase orders or other documents which link the shipment with the entry may be substituted.) (c) The date or inclusive dates of the processing of the sugar, and (d) A description of the processing in sufficient detail to enable the collector to determine whether such processing constitutes a refining or improving in quality.

In appropriate cases the processing of sugar covered by more than one entry may be included in one affidavit. Such affidavits shall be based on adequate and carefully kept refinery, plant, and import records, which shall be open at all times to customs agents or other employees of the customs service. The affidavits shall be filed in dupli-

<sup>1</sup> 2 F. R. 1729, 1849, 1935.

<sup>2</sup> 2 F. R. 2014 (DI).



cate, one copy to be forwarded to the comptroller of customs.

Upon satisfactory proof that the sugar has been further refined or otherwise improved in quality the entry may be liquidated free of the import compensating tax imposed by section 403, supra. When such proof is not filed within three years from the date of the entry, the entry shall be liquidated with the assessment of the import compensating tax at the appropriate rate prescribed by section 403.

(g) *Drawback*.—The taxes collected under section 403 will be subject to drawback under the same conditions as duties paid under the Tariff Act of 1930.

[SEAL]

JAMES H. MOYLE,  
*Commissioner of Customs.*

Approved, September 20, 1937.

WAYNE C. TAYLOR,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 37-2814; Filed, September 21, 1937; 4:16 p. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

#### NOTICE OF HEARING WITH REGARD TO THE AMENDMENT OF RULES AND REGULATIONS GOVERNING TANK VESSELS

SEPTEMBER 13, 1937.

Notice is hereby given of a public hearing to be held by the Bureau of Marine Inspection and Navigation in the Auditorium of the Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D. C., commencing at 10:00 o'clock in the morning of Monday, October 11, 1937, and continuing from day to day thereafter until the hearing shall have been concluded, upon the question of the amendment, pursuant to the authority contained in the Act of June 23, 1936, (49 Stat., 1889).

A copy of the tentative draft of the changes in the proposed rules and regulations governing the subject will be sent to any interested party making a written request for same to the Director, Bureau of Marine Inspection and Navigation, Washington, D. C. The purpose of the hearing is to obtain the views of all interested therein, so as to aid the Bureau in making appropriate recommendations to the Secretary of Commerce as to the proper amendments to the rules and regulations which ultimately should be adopted. It is to be understood that the changes in the rules and regulations are purely tentative and that any or all of the said rules and regulations may be deleted, amended or altered and, also, that such amendments to the rules and regulations as may be recommended to the Secretary for adoption, as a result of the hearing, are subject to the approval of the Secretary and shall become effective only upon his approval.

It will be expected that appearances will be for an amendment by addition, revision, or elimination of a specific section or sections. Mere generalities will not be accepted. Before any discussion is undertaken, there must be handed the Director in triplicate a statement for each such proposal in the form set forth below:

#### SUGGESTED CHANGES IN THE RULES FOR TANK VESSELS

Proposed: Addition ..... Amendment .....  
Deletion .....  
Presented at public hearing, Washington, D. C., October 11, 1937,  
by ..... representing ..... address .....

1. Suggested re-wording of Item No. ...., Page No. ...., Section No. ...., Rule No. ....  
2. Submitted by .....  
3. Present wording of Item .....:

4. Suggested re-wording of Item: .....

5. Brief statement of reason for re-wording suggested: .....

The proceedings will be recorded in full. Those wishing to procure the record or any part thereof must make arrangements with the recorder during the session. Copies will not be distributed gratuitously as no funds have been provided for this purpose.

An Executive Committee of the Board of Supervising Inspectors will meet at the same time for the purpose of initiating the appropriate action necessary to promulgate these amendments into regulations.

Approved:

[SEAL]

DANIEL C. ROPER,  
*Secretary of Commerce.*

[F. R. Doc. 37-2819; Filed, September 22, 1937; 12:30 p. m.]

#### METHOD OF ACCOUNTING FOR MONIES RECEIVED FROM SALE OF DUPLICATE CONTINUOUS DISCHARGE BOOKS, DUPLICATE CERTIFICATES OF IDENTIFICATION AND DUPLICATE CERTIFICATES OF DISCHARGE

*To Supervising Inspectors, Local Inspectors, Shipping Commissioners, Collectors of Customs and Others Concerned:*

Under the provisions of Subsection (h) of Section 4551 R. S., as amended by the Act of March 24, 1937, Public Law No. 25—75th Congress, if a seaman loses his Continuous Discharge Book, Certificate of Identification or Certificate of Discharge otherwise than by shipwreck, or other casualty, he will be required to pay for a duplicate an amount equal to the cost of such book or certificate to the Government, which for the current supply will be as follows:

Duplicate Continuous Discharge Book.....	\$1.00
Duplicate Certificate of Identification.....	.75
Duplicate Certificate of Discharge.....	.35
Each additional duplicate Certificate of Discharge issued to the same man at the same time.....	.05

When the payment is made to a Collector or Deputy Collector of Customs, a receipt will be issued on Cat. 1008 and the payments will be scheduled on Cat. 1001 as "Reimbursement for Loss of Continuous Discharge Books, etc., Bureau of Marine Inspection and Navigation", symbol number 134236. These collections are to be listed on a separate schedule from Navigation fees, and are also to be listed as a separate item on the Account Current with the title and symbol number as given above.

When the money is collected by a Shipping Commissioner or Local Inspector, he will issue to the seaman an informal receipt, stating thereon the number of the document issued and the amount collected. The Shipping Commissioner or Local Inspector will pay over to the Collector of Customs of his port all monies received from this source, such payment to be made not later than the first business day of the week succeeding that in which the collection is made. The Collector will issue a receipt to the Shipping Commissioner or Local Inspector on Cat. 1008 for the monies so paid, and the Collector will follow the procedure outlined in the above paragraph in accounting for the monies so transferred to him.

The seaman will be required to make affidavit in duplicate as to the loss of his Continuous Discharge Book, Certificate of Identification or Certificate of Discharge on Form 719-e, which affidavit is to be executed before a Shipping Commissioner, Collector or Deputy Collector of Customs, or U. S. Local Inspector. The original copy will be forwarded to the Bureau of Marine Inspection and Navigation at Washington and the Director of the Bureau will cause to be prepared a duplicate of the lost document which will be sent to the proper office for completion and delivery to the seaman.

Approved, September 22, 1937.

[SEAL]

DANIEL C. ROPER,  
*Secretary of Commerce.*

[F. R. Doc. 37-2820; Filed, September 22, 1937; 12:30 p. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of September, 1937.

IN THE MATTER OF SECURITIES EXCHANGE CORPORATION 922  
TERMINAL BUILDING LINCOLN, NEBRASKAORDER DENYING REGISTRATION PURSUANT TO SECTION 15 (B) OF  
THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Securities Exchange Corporation, hereinafter called the applicant, having filed with the Commission on June 8, 1937, an application for registration on Form 3-M pursuant to Rule MB1 of the Commission's rules; and the effective date of registration having been postponed first for fifteen (15) days until July 23, 1937, and then having been further postponed pending final determination as to whether registration should be denied or postponed; and

The Commission, on June 29, 1937, having instituted proceedings on the question of denial and/or postponement of registration pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after the applicant's waiver of the requirement of service of notice seven (7) days prior to the date of the hearing, having come on for hearing on July 12, 1937, in Denver, Colorado; and the Commission having duly considered the matter and being fully advised in the premises;

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the application of Securities Exchange Corporation for registration as broker or dealer on the over-the-counter markets be and the same is hereby denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2818; Filed, September 22, 1937; 12:28 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of September, 1937.

[File No. 1-182]

IN THE MATTER OF THE PURE OIL COMPANY 5¼% PREFERRED  
STOCK, \$100 PAR VALUE 6% PREFERRED STOCK, \$100 PAR  
VALUE 8% PREFERRED STOCK, \$100 PAR VALUE COMMON  
SHARES, NO PAR VALUE

## ORDER POSTPONING HEARING

The Pure Oil Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its 5¼% Preferred Stock, \$100 par value, 6% Preferred Stock, \$100 par value, 8% Preferred Stock, \$100 par value, and Common Shares, no par value, from listing and registration on the Cincinnati Stock Exchange; and

The Commission having ordered that the matter be set down for hearing on October 15, 1937, in Chicago, Illinois;<sup>1</sup> and

Said issuer having requested a postponement of said hearing;

*It is ordered*, That said hearing be postponed until 10:00 A. M. on Tuesday, November 9, 1937, in Room 630, Bankers Building, 105 W. Adams Street, Chicago, Illinois, and con-

<sup>1</sup> 2 F. R. 1373 (DI).

tinue thereafter at such times and places as may be determined by the Commission or its officers presiding at said hearing.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2816; Filed, September 22, 1937; 12:27 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 20th day of September, A. D. 1937.

[File Nos. 46-69 and 46-70]

IN THE MATTER OF THE APPLICATIONS OF UTILITIES POWER &  
LIGHT CORPORATION LIMITED

## ORDER POSTPONING HEARING

Utilities Power & Light Corporation Limited having filed with this Commission two applications (File Nos. 46-69 and 46-70) pursuant to the Public Utility Holding Company Act of 1935 and relating to the proposed acquisition by the applicant of certain securities;

Said applications having been set down for joint hearing on September 22, 1937,<sup>1</sup> and the staff of the Commission having made a motion that said hearing be postponed subject to call promptly after determination by the Circuit Court of Appeals for the Seventh Circuit of an appeal therein pending with reference to the appointment of a trustee for Utilities Power & Light Corporation, of which the before-mentioned applicant is a wholly-owned subsidiary;

Said motion having duly come on to be heard before this Commission and at said hearing the applicant having requested that said hearing set for September 22, 1937 be postponed to October 13, 1937;

*It is ordered*, That the Commission reserve decision on the aforesaid motion;

*It is further ordered*, That the hearing in said matter now set for September 22, 1937 be and the same hereby is postponed to October 13, 1937 at 10:00 o'clock in the forenoon, Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; subject, however, to any order which the Commission may hereafter enter in connection with the aforesaid motion.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2817; Filed, September 22, 1937; 12:27 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September, 1937.

[File No. 1-427]

IN THE MATTER OF KRESGE DEPARTMENT STORES, INC. 8%  
CUMULATIVE PREFERRED STOCK, \$100 PAR VALUEORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LIST-  
ING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and regis-

<sup>1</sup> 2 F. R. 2111 (DI).



tration the 8% Cumulative Preferred Stock, \$100 par value, of Kresge Department Stores, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given the opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 11 o'clock a. m. on October 13, 1937, in Room 209, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed revelant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2815; Filed, September 22, 1937; 12:27 p. m.]